

**727—2.8(15E) Declaratory rulings.** Upon petition by an interested person, the board may issue a declaratory ruling as to the applicability of any statutory provision, rule or other written statement of law or policy, decision or order of the corporation.

**2.8(1) *Filing of petition.*** Requests for declaratory ruling shall be submitted in writing to the president of the corporation and shall include:

*a.* The name and address of the person requesting the declaratory ruling. If the request is at the behest or order of a corporation, association, governmental subdivision, public or private organization or state agency, it shall be noted in the request.

*b.* A detailed statement of the question presented for declaratory ruling including references to specific sections of law or administrative rule. If multiple issues are presented for declaratory ruling, they should be so numbered.

**2.8(2) *Action on petition.*** The petition shall be deemed filed when received by the president. Upon receipt of the petition the president shall:

*a.* Within seven days, acknowledge receipt of the petition to the petitioner.

*b.* Within 60 days of receipt, the board shall consider the petition. If, upon consideration of the petition, the board determines additional facts and information are required, it shall, within 7 days, make a written request of the person or organization to supply the needed information. The board shall make a declaratory ruling within 60 days of receiving such additional information. The declaratory ruling shall be in writing and shall be mailed to the person or organization requesting it within 7 days of its issuance. Rulings shall be available for public inspection.

*c.* The board may decline to rule in whole or in part when, in the judgment of the board, the ruling would be beyond the statutory jurisdiction of the corporation, when no clear answer is determinable, when a ruling is not in the best public interest, or when the issue presented is pending resolution by a court or an opinion of the attorney general. In the event the board declines to make a ruling, the petitioner shall be notified in writing that the request for a declaratory ruling has been declined in whole or in part and the reasons therefor.

**2.8(3) *Effect of declaratory ruling.*** A declaratory ruling by the board shall have a binding effect upon subsequent corporation decisions and orders which pertain to the party requesting the ruling and in which the factual situation and applicable law are indistinguishable from that presented in the petition for declaratory ruling. To all other parties and in factual situations which are distinguishable from that presented in the petition, a declaratory ruling shall serve merely as precedent.